

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Written Testimony Received on Specific Articles					
Peerless Rockville	7/15/2008	48	HDC Provisions	Article 1. Revise language of purpose clause.	Modifications have been made to the final draft text
Peerless Rockville	7/15/2008	48	HDC Provisions	Article 3. Correct typo in definition of Interim Historic Review; Revise reference to historic and archaeological resources in Site Plan definition	Done
David Capp Montgomery College	6/30/2008	25	Definitions	Article 3. 25.03.02 - Words and Terms Defined : Height: 1. Add language to exempt rooftop mechanical and other equipment from being counted in building height above 75 feet. 2. Add language to exempt occupiable rooftop structures or penthouses not exceeding 10% of total roof area from being counted in building height. Frontage: Add language addressing corner properties. For public institutions, permit the property owner to decide which street shall be considered the front of the property.	Rooftop structures already covered in Sec. 25.09.06. Should not change definition or intent for front yards.
Kimberley Nordheimer Fordham Development Company	6/30/2008	21	Public Use Space	Article 3. Requests that definition of "public use space" be broadened to include a greater range of alternative amenities, which could be provided by property owners which would benefit the City from a planning and design standpoint.	Public use space requirements made more flexible in Arts. 13 and 17.
Mark Pierzchala	7/22/08	62	Definitions	Article 3. Should add definitions for boarding, cooking facility, single housekeeping unit and accessory apartment	Accessory apartment defined; boarding house is not permitted, so not defined. Cooking facility and single housekeeping unit not added. See definition of "Family"
Peerless Rockville	7/15/2008	48	HDC Provisions	Article 4. Supports added language in 25.04.04.b with minor language change;	Language modified.
M. A. Van Balgooy	7/1/2008	29	Article 6 Historic District Filing	Article 6. Requests that the Historic District Commission be granted the authority to file an application for a Sectional Map Amendment	Not done
Peerless Rockville	7/15/2008	48	HDC Provisions	Article 7. Art. 7 – Supports revisions in 25.07.12.a with additional language requested	
Barbara Sears	7/24/08	64	Project Plan/Site Plan	Article 7. Should consolidate project plan and site plan reviews when the project is consistent with the master plan.	Project plan is not intended to be as detailed as a site plan; may be processed approximately concurrently

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Kimberley Nordheimer Fordham Development Company	6/30/2008	21	Non-conforming Uses and Development Non-conformities	Articles 8 & 13. Supports the most recent conforming development and conforming use language contained in Section 25.08.06 and Section 25.13.05(d) of the draft zoning ordinance. It represents a fair and reasoned compromise between the right of property owners and legitimate planning concerns.	Agree
M.A. Van Balgooy	6/22/2008	1	Nonconformities	Article 8. Require all commercial properties to be brought into compliance within a reasonable period or when remodeling occurs, whichever comes first, such as the year 2020, or if remodeling is valued at \$100,000 or more occurs or affects more than 25 percent of the property. The proposed Zoning Code allows non-conforming use to continue without any limit. We should not allow parking lots to remain unlandscaped and allow dumpsters to remain scattered in parking lots indefinitely	Leave the nonconformity provisions as currently proposed.
John McKee	7/11/2008	41	Grandfathering	Article 8. Need a better grandfather clause for single-family houses. Current nonconformity provisions don't allow full replacement in kind.	New provision added as Sec. 25.08.05.a.4
Barbara Sears, Linowes & Blocher	7/24/08	65	Validity period	Article 8. Clarify that developments covered by Article 14 may have alternate validity periods	Art. 14 PD provisions have been revised based on discussion and testimony.
Jacque Kubin	6/30/2008	6	HBBE	Article 9. A non-impact business does not need to be monitored, taxed, or be fee levied by the city.	No-impact HBBE added to code
Jacque Kubin	7/16/08	52	HBBEs	Article 9. Definition of HBBEs must be clear and not include individuals working at home that truly have no impact	Covered in Sec. 25.09.07.b
Joseph Lavorgna MCPS	6/30/2008	13	Development Standards, Residential Zones	Article 9. Fencing limitations in the residential zone at four feet are not consistent with school needs for six-foot high fencing in some areas for safety and security. The Board requests that the fencing height limitation be revised	Agree. See. Sec. 25.09.05.2.(b).D

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Joseph Lavorgna MCPS	6/30/2008	13	Development Standards, Residential Zones	Article 9. The Draft Zoning Ordinance indicates a preference for placement of telecommunication facilities in non-residential zones or on city-owned property and sets a height limitation of 50 feet in a residential zone and 199 feet in all other locations, effectively prohibiting cell towers on school sites, because they are located in residential zones and 50 feet is too low to attract interest among cell tower vendors. The Board urges the city to revise this provision and work with county officials to develop uniform criteria for telecommunication towers across the county.	Keep current provisions
Richard Gottfried HBBAT	6/30/2008	23	HBBE	Article 9. The HBBAT recommends abolishing the Draft Zoning Ordinance Article 9 on Home Based Businesses. Create a task force that really represents Rockville's Home Based Businesses. Send Article 9 back to the task force and write regulations that serve the whole community.	HBBE regulations have been revised to address the issues raised at the hearing
Stanley A. Klein	6/30/2008	24	HBBE	Article 9. 1. Eliminate the prohibition against sale of goods not produced on the premises, or reword it to limit the prohibition to in-person sale of goods. There are home-based businesses that sell goods, such as specialized computer devices, nationwide or worldwide over the Internet.	Agree. Provision revised.
Stanley A. Klein	6/30/2008	24	HBBE	Article 9. 2. Eliminate the requirement on minor impact businesses that all work be done by occupants of the residence. This will allow employees, and I suggest a limit of two.	Allow one nonresident employee in a minor HBBE; 2 allowed as part of major HBBE by Special Exception.
Stanley A. Klein	6/30/2008	24	HBBE	Article 9. 3. Allow two cars to be parked to accommodate employees of minor impact businesses.	Keep at one vehicle
Stanley A. Klein	6/30/2008	24	HBBE	Article 9. 4. Equipment allowed should be expanded to include any equipment needed for specialized information, small publication, or Internet-based services. Such equipment is likely to be important in a major potential growth area for home-based businesses.	Change made to allow "office equipment", not limited to "small"

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Stanley A. Klein	6/30/2008	24	HBBE	Article 9. 5. The requirements for registration and inspection are onerous and invasive, and should be deleted. They should be replaced by an effort to collect solid information on home-based business activity in Rockville from which proper regulations can be developed. I suggest that Rockville Economic Development Incorporated (REDI) be asked to survey existing and former home-based businesses and to develop a forecast of future trends.	No-impact HBBE does not require registration; keep requirement for minor so City can track the uses for possible enforcement. Major HBBE's must get S.E., so they will be recorded as part of the process.
Kenneth H. Becker PR &B, Inc.	6/26/2008	28	Accessory Use	Article 9. (2) Requests that the City clarify that qualified swimming pools and related amenities will remain permitted accessory uses under the new Zoning Ordinance, as provided under the Zoning Text Amendment approved in 2004	Covered in Art. 11.
Morton Levine	7/25/08	70	HBBE in accessory building	Article 9. Requests confirmation that M&C supports use of accessory building in connection with home-based business for Little Lodge in Chestnut Lodge	M&C supports use of accessory building only in designated historic district, which includes Little Lodge
David Capp Montgomery College	6/30/2008	25	R-200 District	Article 10. Recommends that the R-200 zone permit an increase in the height limit for public buildings to 75 feet.	Agree, with limitations. Footnote 2 added to Art. 10 standards table.
Ann Marie Vassallo	6/27/2008	30	Regulations for Existing Dwellings	Article 10. Requests that Section 25.10.08 (f) Not be deleted. Grandfathering provision for existing homes in the R-60, R-75, and R-90 zones should be retained.	Agree. Grandfathering provisions added
Dave Kerlina Potomac Woods Citizens Association	6/30/2008	31	Mansionization	Article 10. Requests that the Mayor and Council reject the mansionization legislation in the Proposed Zoning Ordinance.	Consensus not reached. Staff recommends deleting FAR limits and minimum pervious requirements. Max. height by right increased to 35 ft.
Dave Kerlina Potomac Woods Citizens Association	6/30/2008	31	Mansionization	Article 10. PWCA does not support including the R-90 zone in the special "mansionization" restriction on new housing and/or additions to existing houses.	Consensus not reached; staff does not recommend exempting the R-90 zone due to impact on all R-90 neighborhoods.
Dave Kerlina Potomac Woods Citizens Association	6/30/2008	31	Mansionization	Article 10. Request the following changes: (1) Definition of "Building, Height of" section (b)(5) -- delete all references to the R-90 zone, (2) 25.10.08 -- Delete all references to the R-90 Zone	Consensus not reached; staff does not recommend exempting the R-90 zone due to impact on all R-90 neighborhoods.

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David Capp Montgomery College	6/30/2008	25	R-200 District	Article 10. 25.10.05.a - Table of Development Standards 1. Permit exception to height limit for public buildings. Increase to 75 feet. 2. Setbacks from streets doesn't apply to private campus roads. 3. Rear yard setback to be 13 feet where land abuts.	1. Added with limitations 2. Already doesn't apply 3. Do not agree
Montgomery College	7/14/2008	46	Public building development standards	Article 10. Requests consideration for allowing building height up to 75 feet in R-200 Zone for public buildings to avoid necessity for variances. Also requests revisions to setback requirements from internal private streets and for rear yard. Suggest clarifications to building height definition for rooftop installations and for choice of which is front yard on corner lot.	Agree on building height. Do not support reduction in rear yard setback requirement. Setback provisions do not apply to private streets/drives. Rooftop installations covered in Sec. 25.09.06.
Jacquie Kubin	7/16/08	52	Residential development standards	Article 10. Do not limit neighborhoods like Twinbrook with the new standards that do not let residents improve their homes	Staff recommends modifications to mansionization provisions.
William Kominers Holland & Knight representing Yale Village Limited Partnership	6/30/2008	8	Non-conformity of Yale Village located at Yale Place, College Parkway, and Rutgers Street	Article 11. Support the retention and adoption of language in Section 25.11.04 (d) of Planning Commission final draft.	Agree
Holland & Knight	6/30/2008	9	Section 25.11.04.d - Existing Structures or Development	Article 11. Supports inclusion of Section	Agree
Kenneth H. Becker PR &B, Inc.	6/26/2008	28	Non conformities	Article 11. Represents Congressional Towers, Rollins Park Apartments, & Rollins Congressional Clubhouse (1) Strongly supports the provisions in the proposed Zoning Ordinance that will grandfather certain existing projects that conform to the development standards of their current zoning;	Agree
Miller, Miller, & Canby representing Victory Housing, Inc.	6/30/2008	7	Development Standards for "senior housing" in the proposed MXT zone	Article 13. Proposed provisions dealing with seniors' housing substantially complicates, if not prohibits, the logical and sensitive development of Fleet Street property as contemplated by Victory Housing and Montgomery County.	Agree. Revisions made in Sec. 25.15.02.j. and 25.17.01.b

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Miller, Miller, & Canby representing Victory Housing, Inc.	6/30/2008	7	Development Standards for "senior housing" in the proposed MXT zone	Article 13. Decrease front yard setbacks for "senior housing projects" when located in the MXT zone.	Setbacks reduced from 50 feet to minimum required in zone. Sec. 25.15.02.j.3.c.(i)
Miller, Miller, & Canby representing Victory Housing, Inc.	6/30/2008	7	Development Standards for "senior housing" in the proposed MXT zone	Article 13. Increase building height without the necessity of increased setbacks	Agree. Added to 25.15.02.j
Miller, Miller, & Canby representing Victory Housing, Inc.	6/30/2008	7	Development Standards for "senior housing" in the proposed MXT zone	Article 13. Eliminate or Decrease public use space requirement	No minimum requirement as long as fee-in-lieu is provided
Holland & Knight	6/30/2008	9	Section 25.13.05.d -- Existing Structures or Development	Article 13. Supports inclusion of Section	Agree
Pat Harris Holland & Knight	6/30/2008	10	MXCD (Mixed-Use Corridor District Zone) Height	Article 13. The MXCD Zone is proposed for a large swath of land along the east and west sides of the Rockville Pike Corridor and the characteristics of the effected sites vary greatly. A small percentage of the sites are truly transit-oriented - less than one quarter of a mile from the Metro station. Most appropriately, these sites should be zoned MXTD. Short of applying the MXTD Zone, we would recommend that the Zoning Ordinance include a provision which would allow these transit oriented sites with the ability, pending Mayor and Council approval, to increase the maximum height to 120 feet.	Retain current height standards for MXCD Zone, pending future recommendations from the Rockville Pike Plan. MXTD Zone expanded at Twinbrook Metro.
Pat Harris Holland & Knight	6/30/2008	10	Public Use Space	Article 13. Outside the Rockville Pike Corridor, on many proposed MXE zoned sites, it may be more appropriate to devote a smaller area to conventional public use space and allow the balance of the area to simply remain undeveloped, open space -- whether providing additional landscaped buffer area or allowing the area to remain in its natural vegetative state.	Added flexibility made for provision of public use space in Art. 17. No specific provision added to MXE Zone.

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Pat Harris Holland & Knight	6/30/2008	10	Grandfathering and Nonconforming provisions	Article 13. Consider expanding the currently proposed provision, which allows for extensions or additions not to exceed five percent of the pre-existing gross floor area. A five percent limitation handcuffs under-utilized sites that are trying to remain economically viable until market conditions can support redevelopment in accordance with the new Zoning Ordinance.	Grandfather provision has been modified to address some of these issues. See. Sec. 25.13.05.d
William Kominers Holland & Knight	6/30/2008	9	MXCD (Mixed-Use Corridor District Zone)	Article 13. The standards still make first floor retail problematic and the overall envelope too constrained. Wide sidewalks, many trees, and hidden parking, all work against successful retail. The limited height of 50 feet (until there is a master plan to recommend 75 feet or more) restricts an ability to design flexible floor plates for other uses above the retail.	Retain current height standards for MXCD Zone, pending future recommendations from the Rockville Pike Plan.
William Kominers Holland & Knight	6/30/2008	9	MXTD -- (Mixed-Use Transit District Zone)	Article 13. There is little incentive to change existing conditions. The height is too low for areas so close to transit. The sidewalk, public use space, layback slope, and other design standards constrict the sites in ways that can effectively reduce approved densities unless buildings can expand upward, yet the height limits prevent this. These new design standards effectively downzone the properties and render redevelopment unlikely.	Greater height flexibility has been added to the MXTD Zone, along with other aspects such as public use space requirements.
Pat Harris Holland & Knight	6/30/2008	10	Design Standards	Article 13. Concerned about the extent of subjective design standards still present in the Zoning Ordinance. Terms such as "earth tones", "subtle", and "neutral" belong in design guidelines, not a Zoning Ordinance.	Design standards have been revised to be guidelines and some terms deleted.

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Peter Gartlan Donohoe Development Company	6/30/2008	15	MXCD Zone	Article 13. Represents Owners of 1500 Rockville Pike. MXCD zone allows a maximum height of 75 feet, imposes reduced street line heights and other development standards, which significantly reduces the building envelope available. Proposes that the MXCD Zone development standards be revised to allow additional heights up to 120 feet where specifically recommended by the Master Plan or other comprehensive plan, or where approved by the Mayor and Council during project plan review. If maximum height remains at 75 feet M&C should evaluate the policy implications of applying the MXCD Zone to sites located less than one-quarter mile from a Metro Station. Recommends that 1500 Rockville Pike property be rezoned to the MXTD zone due to proximity to METRO.	Property has been recommended for MXTD Zone.
Peter Gartlan Donohoe Development Company	6/30/2008	15	MXCD Zone	Article 13. Recommends the addition of the following proposed language at Section 25.13.05 b.2(b) 2. Building Height (b) MXCD Zone - Building façade.....monolithic appearance. <u>Where recommended in the Plan, or if approved by the Mayor and Council as part of a project plan approval in accordance with Section 25.07.06, building height may be increased beyond 75 feet up to 120 feet under the following conditions: (i) The public use space requirement must be provided on the site; (ii) The building footprint cannot occupy more than 80% of the net lot area; (iii) The building design exceeds the urban design recommendations of the applicable Master Plan; and (iv) The building must be designed for maximum energy conservation and/or complies with any energy conservation standards set forth in this Code.</u>	Language revised but does not allow up to 120 feet. See Sec. 25.13.05.b.2
Kimberley Nordheimer Fordham Development Company	6/30/2008	21	Public Use Space	Article 13. Requests that the Mayor and Council adopt a smaller public use space requirement for those properties, which are exclusively commercial and retail establishments.	Flexibility in public use space has been provided.

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Pat Harris Holland & Knight			MXE Zone	Article 13. Proposed Section 25.13.07.c.7 - <u>Public Use Space in the MXE Zone. In order to preserve open space and enhance natural buffers, a significant portion of the 20% required public use space may be devoted to open, undeveloped land area. Irrespective of the public use space definition, such space need not be accessible to the public or otherwise improved. That portion of the required 20% public use space that shall be improved consistent with the public use space definition shall be determined on a case-by-case basis during the Project Plan and Site Plan approval process.</u>	Added flexibility made for provision of public use space in Art. 17. No specific provision added to MXE Zone.
Larry A. Gordon Shulman, Rogers, Gandal, Pordy, & Ecker, P.A		36	Section 25.13.05 - Development Standards	Article 13. 1. Overview of Motor Vehicle Sales Uses in Rockville. Currently, automobile dealerships are allowed in the City upon approval of a Special Exception. Under the Draft Zoning Ordinance, they will be allowed as Conditional Uses in certain Mixed-Use Zones or, in one instance, permitted by right. The applicable zones include MXTD, MXCD, MXE, and MXB. Most existing dealerships in Rockville are located along Rockville Pike/Frederick Road and are situated on properties recommended for Mixed-Use Corridor District ("MXCD") rezoning. Both indoor and outdoor dealerships are designated as Conditional Uses in the MXCD Zone. Accordingly, this letter proposes changes to the MXCD zone development standards for motor vehicle sales uses.	Revisions to motor vehicle sales have been made in Footnote 2 to the Land Use tables and in the Design Guidelines.

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Larry A. Gordon Shulman, Rogers, Gandal, Pordy, & Ecker, P.A		36	Section 25.13.05 - Development Standards	Article 13. 2. Section 25.13.05 - Development Standards for Mixed Use Zones a) Provision of Open Space Versus Public Use Space (Standards Chart) 1) <u>Recommendation:</u> Add a Footnote to the Development Standards Chart for the MXCD Zone changing the "20% public use space" requirement to a "10% open area" requirement for motor vehicle sales uses. b) Additional Building Height (Standards Chart) 1) <u>Recommendation:</u> Add a Footnote to the Development Standards Chart for the MXCD Zone to increase the "75 Maximum Height in Feet" to "Up to 120 Feet where recommended in a Master or Sector Plan for mixed use developments that include motor vehicle sales uses." c) Existing Structures or Uses (Sec. 25.13.05(d) 1) <u>Recommendation:</u> Retain Grandfathering Language for existing structures or development in Mixed Use Zones, and clarify the issue discussed below. As currently drafted, the grandfather provision requires extensions or additions to existing development that exceed 5% of pre-existing gross floor area to comply with the standards of the property's new zone. The draft does not address the extent of compliance with the new zone provisions. Suggest that the grandfathering language be clarified to indicate that compliance with the standards of the new zone be calculated on the pro rata gross square footage percentage by which the new extension increases the pre-existing development. Further suggest that in order to encourage future vehicle parking and storage garages, such garages, (which are not part of gross floor area) be made exempt from triggering public use space or open area requirements.	<ol style="list-style-type: none"> 1. Footnote 2 added to Sec. 25.13.03 allowing public use space flexibility. 2. Building height in MXCD zone not increased above 75 feet. 3. Grandfather provisions moved to Sec. 25.08.06 and language modified. Five percent additional expansion area retained. With modifications or additions of more than 50% of existing GFA, entire project must be brought into compliance.

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Larry A. Gordon Shulman, Rogers, Gandal, Pordy, & Ecker, P.A		36	Section 25.13.06 -- Additional Design Guidelines	Article 13. 3. Section 25.13.06 -- Additional Design Guidelines for Mixed Use Zones a) Outdoor Sales and Storage -- General Standards (Sec. 12.13.06 (b)(3)(a) 1) <u>Recommendation:</u> Clarify that the last sentence of the Subsection which states, "Outdoor sales areas shall be considered as part of the gross floor area of the retail establishments," does not apply to motor vehicle sales use parking and/or inventory storage areas in the MXCD Zone. b) Outdoor Sales and Storage -- Prohibition of Certain Sales and Storage (Sec. 25.13.06 (b)(3)(b) 1) <u>Recommendation:</u> Delete in its entirety or revise, as discussed below, the last sentence of the Subsection which states, "outdoor storage of motor vehicles in connection with a motor vehicle sales business is allowed, so long as the vehicles stored are only for sale at that location."	Agree; change incorporated
Larry A. Gordon Shulman, Rogers, Gandal, Pordy, & Ecker, P.A		36	Section 25.13.03(h) Land Use Tables - Commercial, Office, and Industrial Uses	Article 13. 4. Distinctions Between Indoor and Outdoor Motor Vehicle Sales Uses a) Indoor Versus Outdoor Motor Vehicle Uses (Sec. 25.13.03(h) 1) <u>Recommendation:</u> Delete the distinction and create a single category of motor vehicle sales use, or make clarifications as discussed below. Suggest establishing one category of motor vehicle sales use (to include both indoor and outdoor sales) and, where classified as a "Conditional Use," to only require the condition currently proposed for outdoor uses (i.e. 100%, opacity screening of [outdoor] vehicle storage areas from adjacent or confronting residential development in a residential zone [in Rockville]). Alternatively, should Rockville decide to continue to separate "indoor" and "outdoor" dealerships, i suggest that the description of an "indoor" dealership as a "Conditional Use" be clarified to allow for freestanding garages, outdoor inventory display, and customer and employee parking separate from the sales building.	Agree; one category is now recommended.

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Cindy Bar for Shellhorn Rockville, LLC	6/30/2008	42	1488 Rockville Pike – Chesapeake Plaza	Article 13. Provisions of MXCD zone need to be revised – eliminate the layback slope next to RR/Metro tracks; Add height flexibility where recommended by the master plan, and have the façade height requirements be guidelines. The “Additional Design Guidelines” should be clearly labeled as guidelines, not standards. Building location and uses by floor should be waivable.	Property recommended to retain MXCD Zone. Layback slope requirement modified next to Metro; Design guidelines have been modified for more flexibility. Added flexibility for uses by floor, depending on whether the site is next to a major pedestrian spine.
Peter Mork	7/16/08	57	Burgundy Center	Article 13. Objects to possibility of mixed-use development for the Burgundy Center under the MXC Zone. Insufficient traffic and transit capacity does not exist here.	Council direction forthcoming
Gerard Murphy, WANADA	7/18/08	58	Development standards for auto dealers	Article 13. Auto dealers should be by-right use in non-neighborhood mixed-use zones; maximum 10 percent of property should be green space not public open space along with fee-in lieu-approach; support additional height for properties containing dealerships; strong grandfather provision required; outdoor sales not counted toward FAR; storage of vehicles, including temporary, should be permitted; no distinction between indoor and outdoor sales	Revisions for motor vehicle sales have been made. See comments above.
Pat Harris, Holland & Knight	7/18/08	59	Uses and standards in mixed-use zones	Article 13. Add model homes, nonmedical research labs and indoor rec facilities as permitted; modifications to design guidelines and regulations	Non-medical research allowed in MXE and MXB; recreation facilities allowed in most mixed use zone.
Bill Kominers, Holland & Knight	7/18/08	60	Uses and standards in mixed-use zones	Article 13. Related to 1500 Rockville Pike, additional flexibility in MXCD height to retain 75 ft for commercial and 110 ft for residential projects to be carried forward from RPC zone. Additional flexibility in landscaping and parking, and public use space requirements needed. Grandfathering should be clarified.	Property has been recommended for MXTD Zone
Erica Leatham for Combined Properties	8/4/08	80	Grandfathering	Article 13. Grandfather existing uses as well as structures. Allow a nonconforming use to replace a nonconforming use if no increase in area is proposed	Leave as currently revised.

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Erica Leatham for Combined Properties	8/4/08	80	Mixed use zone standards	Article 13. Allow more height than 50' at street line in MXCD zone; Allow more flexibility for provision of public use space. Do not count outdoor sales area with gross floor area; Need more flexibility in design standards. Need flexibility for multiple front yards in mixed use zones.	Leave as currently drafted
Rockville VFD	1/30/08	82	Flexibility in mixed use zones	Article 13. Fire department is an essential service, and should be exempt from any regulations that hinder operations or use temporary structures during renovations.	Added flexibility in mixed use zones should address these issues.
William Kominers Holland & Knight representing Yale Village Limited Partnership	6/30/2008	8	Section 25.03.02 -- Words and Terms Defined	Article 14. Add a new definition: <u>Resolution of Approval -- The collection of documents and actions that collectively represent the standards applicable to a particular approval action for developments in the Planned Development Zones in Section 25.14.07. The Resolution of Approval is comprised of the: (1) Resolution of Approval, or a letter of approval that has been adopted by the Mayor and Council or the Planning Commission, as applicable, approving a special development procedure under the prior zoning ordinance (such as, Comprehensive Planned Development, Planned Residential Unit, Preliminary Development Plan, I-3 Zone Optional Method, etc.), including, any subsequent amendments thereto, and (2) any accompanying documents, including the application and supporting materials that has been approved, including any subsequent amendments thereto, and other binding agreements such as annexation agreement or other similar development agreements, and (3) related development standards set forth in each of the foregoing, and (4) incorporated by reference as an integral part of the approval, the allowable uses, development standards, and special provisions that are set forth in the Zoning Ordinance in effect and applicable to the particular special development procedure on [date, 2008] immediately before the adoption of the new Zoning Ordinance.</u>	Agree. Definition added, along with a definition of "Initial Approving Documents".

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William Kominers Holland & Knight	6/30/2008	9	Section 25.14.07 -- Planned Developments	Article 14. Use of Resolution of Approval alone is not sufficient. The resolution only addressed those standards which were being modified or which were new. The existing Zoning Ordinance should be treated as being incorporated by reference into the Resolution of Approval that forms the standards of each PD Zone. The resolution of Approval should also be considered to incorporate the application and accompanying documents, which the Resolution actually approves.	Definition of "Resolution of Approval" added to Art. 3. Modifications made to Article 14 to reference the Initial Approving Documents and their effect on subsequent approvals. Reference made in Sec. 25.14.07.d 1 & 2 regarding standards of previous underlying zone, where applicable. Major amendments to the PD, short of amending the Initial Approving Documents, are subject to the Equivalent Zone requirements of 25.14.07.d.3 & 4.
William Kominers Holland & Knight	6/30/2008	9	Section 25.14.07 -- Planned Developments	Article 14. Protect prior approval(s) by Mayor and Council and allow them to continue to completion.	
William Kominers Holland & Knight	6/30/2008	9	Section 25.14.07 -- Planned Developments	Article 14. The new Ordinance standards can and should only apply to those planned developments that are not already covered by binding agreements, such as Annexation Agreements, Development Agreements, Transition and Developments Agreements, etc. Given the complexities of the treatment of the PD Zones in Article 25.14.07, a better solution might be to simply grandfather them as they are and allow the continued implementation on that basis, rather than attempting the very complex process of "what ifs" in Section 25.14.07.d that try to sweep the few remaining undeveloped parcels into coverage by the new Ordinance	
William Kominers Holland & Knight		9	Equivalent Zones	Article 14. The idea of requiring application of "equivalent" mixed use zone standards to un-built and un-site planned properties within PD Zones is inappropriate and unduly complex. The PD Zones already represent a comprehensive application of development standards to the project. Many of the standards of the "equivalent zones" do not make sense when engrafted into an existing Planned Development.	

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Peerless Rockville	7/15/2008	48	HDC Provisions	Article 14. Art. 14 – Supports draft language with minor modification in 25.14.01.a.5. Supports deletion of “50-year rule”. Suggests revision in SMA process for designation.	Language modified; 50-year rule deleted.
William Kominers Holland & Knight	6/30/2008	9	25.14.07.d.5 -- Waiver of Equivalent Zone Standards	Article 14. The consideration for the waiver involve great subjectivity and place a new degree of uncertainty on implementation of individual elements of Planned Development projects that is inconsistent with the philosophy behind the original approvals. Recommendation is to eliminate the equivalent zone application and simply have the existing PD Zone approvals apply to the PD Zone areas, irrespective of whether they have been completed, un-built but site planned, or un-built and not site planned.	Definition of “Resolution of Approval” added to Art. 3. Modifications made to Article 14 to reference the Initial Approving Documents and their effect on subsequent approvals. Reference made in Sec. 25.14.07.d 1 & 2 regarding standards of previous underlying zone, where applicable. Major amendments to the PD, short of amending the Initial Approving Documents, are subject to the Equivalent Zone requirements of 25.14.07.d.3 & 4.
Bill Kominers, Holland & Knight	7/16/08	55	255 Rockville Pike	Article 14. Ordinance should protect development rights granted by PDP94-0001 (Rockville Center) for this parcel.	
Bill Kominers, Holland & Knight	7/18/08	61	Tower Oaks	Article 14. Existing Special Development procedure approval should be preserved; PD Zone definition of resolution of approval must incorporate previous ordinance. Applicable development standards should be applied; do not apply an equivalent zone; retain good cause as the standards for waiving the equivalent zone standards	
Bill Kominers, Holland & Knight	7/22/08	63	255 Rockville Pike	Article 14. Existing Special Development procedure approval should be preserved; PD Zone definition of resolution of approval must incorporate previous ordinance. Applicable development standards should be applied; do not apply an equivalent zone; retain good cause as the standards for waiving the equivalent zone standards	
Barbara Sears, Linowes & Blocher	7/24/08	65	PD zone	Article 14. Clarify purpose of PD zones and applicable standards and propose changes to process for amending a PD project	

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Erica Leatham, Stark Meyers Eisler Leatham	7/25/08	67	PD zone	Article 14. Equivalent zone as applied to Falls Grove would harm the design envisioned in the concept plan; support language proposed by Bill Kominers related to equivalent zones and PDs; recommend revision to site plan approval process within PDs should be Level 2.	Definition of “Resolution of Approval” added to Art. 3. Modifications made to Article 14 to reference the Initial Approving Documents and their effect on subsequent approvals. Reference made in Sec. 25.14.07.d 1 & 2 regarding standards of previous underlying zone, where applicable. Major amendments to the PD, short of amending the Initial Approving Documents, are subject to the Equivalent Zone requirements of 25.14.07.d.3 & 4.
Kristina Hughes Lutheran Home	6/30/2008	11	Life Care Facility special exception	Article 15. Current trends in the industry routinely suggest constructing taller buildings, over 50 feet in height. Request that the Board of Appeals be allowed to approve additional height to accommodate 5-story buildings, up to 70 feet in height, with the protection, as currently drafted, that the Board finds that the additional height will not have an adverse impact on adjoining and confronting properties.	Keep at max. 50 feet.
Kristina Hughes Lutheran Home	6/30/2008	11	Life Care Facility special exception	Article 15. Setbacks are excessive. There should be an additional provision that where the property adjoins a nonresidential use, the setbacks are reduced to the minimum required in the zone.	Allow smaller setbacks next to nonresidential uses in residential zones
Miller, Miller, & Canby representing Victory Housing, Inc.	6/30/2008	7	Article 15 - Special Exceptions (Proposed Modification)	Article 15. 25.15.02 - Additional Requirements for Certain Exception j. 3.(c).(i) Front yard: 50 feet, <u>except that for projects in the MXT zone the setback may be the minimum required in the zone;</u> and ... j.3.(e) Building Height -- Building height is normally limited to the height allowed in the zone. The Board may allow additional height up to 50 feet if additional setbacks are provided and the Board finds that the additional height will not have an adverse impact on the adjoining and confronting properties.	Agree

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Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Miller, Miller, & Canby representing Christ Episcopal Church	8/4/08	76	Exception language for PEI's in connection with places of worship	Article 15. Need to add back in language from existing code exempting private schools connected to places of worship from the standards in the SE provisions for PEI's.	Agree
Jeff Zyontz	7/12/2008	44	National Lutheran Home	Article 15. Objects to request to allow building height above 50 feet.	Agree
David & Karen Modell	7/14/2008	43	National Lutheran Home	Article 15. Concur with letter from J. Zyontz (Ex. 44)	
Marc Shepard	7/16/2008	50	National Lutheran Home	Article 15. Reflects comments of Zyontz letter (Ex. 44) in objecting to height up to 70 feet.	
Joey Soleiman	6/30/2008	17	Burbanks Restaurant	Article 16. Owner of 18 W. Montgomery Ave., former Burbanks Restaurant. Requested modification of Section 25.16.05 - Location in Relation to Use Served - Requirements for the provision of parking facilities in the <u>MXNC</u> , MXTD and MXCD may be satisfied on a separate lot from the use served by a permanent automobile parking structure. An automobile parking structure must be within a 500 <u>600</u> foot walking distance of the entrance to the use being served to satisfy the parking requirements. The Planning Commission may attach such conditions to the approval of an automobile parking structure as may be reasonable and necessary to assure that it will be consistent with the purpose and intent of this Chapter.	Agree. Change made to Sec. 25.16.05.
Tom Doerr	7/16/08	54	Access to bicycle parking	Article 16. ZO should include language requiring bicycle parking to and from bicycle parking and other facilities as the City redevelops	See Art. 16
Bill Kominers, Holland & Knight	7/18/08	61	Reduction of office parking standard	Article 16. Parking standards for office use should be reduced.	Approving Authority may allow parking reductions in accordance with Sec. 25.16.03.h.
Bill Kominers, Holland & Knight	7/25/08	68	Revised parking standards	Article 16. Need to conform parking with ground floor retail requirements in MXTD Zone; clarify that number of spaces required in MXTD and MXCD are maximums, but not minimums.	Agree

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Miller, Miller, & Canby representing Joey Soleiman	8/4/08	84	Parking in connection with Burbank's site	Article 16. Allow public parking within 600 feet of MXNC Zone to count for cases where parking on-site cannot be provided.	Agree. Modification made
M.A. Van Balgooy	6/29/2008	1	Articles 16 and 17 of the final draft Rockville Zoning Code - To improve safety and connectivity for pedestrians and bicycles	Articles 16 & 17. 2. Section 25.16.03g allows flexible parking standards if a site is located near a Metro station, bus route, or public parking lot; include proximity to Class 1 or 2 bicycle routes.	Change not incorporated
M.A. Van Balgooy	6/29/2008	1	Articles 16 and 17 of the final draft Rockville Zoning Code - To improve safety and connectivity for pedestrians and bicycles	Articles 16 & 17. 3. In Section 25.17.05 , require all project plans to show the "path of travel" for pedestrians and bicycles for city review and approval. This simple tactic is often overlooked but will help reduce conflicts with automobile traffic and encourage walking and bicycling in Rockville.	Change incorporated into Sec. 25.16.06.f.
M.A. Van Balgooy	6/29/2008	1	Articles 16 and 17 of the final draft Rockville Zoning Code - To improve safety and connectivity for pedestrians and bicycles	Articles 16 & 17. Section 25.17.05 requires that sidewalks meet basic guidelines for width, and I encourage you to consider standards that require much wider sidewalks for zones that permit higher density, such as MXTD, MXCD, and RMD. The minimum sidewalk widths should be 8 to 12 feet, but recommend requiring even wider sidewalks to improve safety and comfort for pedestrians. Furthermore this section is particularly confusing and should be rewritten and avoid referring to document (e.g., Standards and Details for Construction Manual) that are not available on-line.	Existing guidelines retained

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

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M.A. Van Balgooy	6/29/2008	1	Articles 16 and 17 of the final draft Rockville Zoning Code - To improve safety and connectivity for pedestrians and bicycles	Articles 16 & 17. 1. Section 25.16.06.f offers guidelines for pedestrian walkways in parking facilities, but these provisions should also apply to standard parking lots. All sidewalks should connect to adjacent streets, to each other, and to major building entrances.	Change recommended in this subsection
Miller, Miller, & Canby representing Victory Housing, Inc.	6/30/2008	7	Article 17 -- Public Use Space, Landscaping and Screening, Utility Placement and Screening, Lighting, Sidewalks, and Shadows	Article 17. 25.17.01.e <u>Exemption for Affordable Housing Projects --Projects that consist entirely of affordable dwelling units, defined as units designated for households with incomes at or below the area median income limits, are exempt from the public use space requirements.</u>	Agree
Rich Redler	6/23/2008	2	Section 25.18.14 - Signs Permitted in Other Mixed-Use Zones	Article 18. Requires a landscaped area of native plants at the base of a freestanding sign; 2 sf of native plants per sf of sign face. I think this requirement is a mistake. Frequently seasonal color (flowering annuals and perennials) is provided at the base of freestanding signs as part of an attractive landscape program. Native plants typically do not provide the showy colorful impact that cultivated ornamentals do. I suggest that the "native plants" addition to the latest version be deleted.	Agree
Dave Celeste	7/25/08	66	Signs	Article 18. Change standards for election signs	Agree
Rockville VFD	1/30/08	82	Signs	Article 18. Wants exemption to allow sign with changeable text.	

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Testimony on the Proposed Zoning Map					
Planning Commission	5/21/08	–	Zoning Changes/Corrections	<p>Zoning Map. Recommended zoning changes as set forth in transmittal memo to Mayor and Council (p.11):</p> <ol style="list-style-type: none"> 1. Rocklin Apartments – R-20 Zone to RMD-25 Zone. 2. East side of North Stonestreet Avenue – I-1 Zone to MXB Zone. 3. Correct zoning depiction for PD-DB Zone. Current zone is TC-4. 4. Place I-1 properties on west side of S. Stonestreet in MXB Zone. 5. Place C-1 site at S. Stonestreet & Reading in the R-60 Zone. 6. Burgundy Park Center – C-1 Zone to MXC Zone. 7. Correct SHA property on sheet E-2 – Place in R-150 Zone. 8. Former Hungerford Elementary School site – Retain in R-60 Zone. 9. Avalon Bay properties on Halpine Road – I-1 Zone to the MXB Zone 10. Remove zoning indication from Metro/CSX right-of-way. 11. Property immediately north of Halpine Road on west side of Metro/CSX – RPC Zone to MXTD Zone. 12. Replace the C Zone with MXC where applicable. 	<p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Agree</p> <p>E. Rockville issue</p> <p>E. Rockville issue</p> <p>Agree</p> <p>No Park Zone on school sites</p> <p>Agree</p> <p>Agree</p> <p>Agree</p> <p>Depends on outcome of E. Rockville commercial zoning issues</p>
Letter from Steve Orens	7/29/08	71	S. Stonestreet Convenience Store	<p>Zoning Map. Opposes downzoning from C-1 to R-60. Not in conformity with recommendations of East Rockville Master Plan. Plan encourages limited commercial but comply with property maintenance code.</p>	Council to resolve zoning issues re: East Rockville local commercial sites

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Letter from Steve Orens	7/30/08	72	S. Stonestreet Convenience Store	Zoning Map. Reiterates the opposition to rezoning. Not legally defensible without careful study and consideration. Insufficient notice given to owner.	Council to resolve zoning issues re: East Rockville local commercial sites
Anne Marie Vassallo	7/11/2008	39	S. Stonestreet Convenience Store	Zoning Map. Objects to proposed rezoning of convenience store on S. Stonestreet from C-1 to R-60. Goes contrary to desire for desirable and complete neighborhoods with convenient retail uses.	
Daniel Choi	7/16/08	56	Rezoning of Maryvale shopping center	Zoning Map. Owner objects to rezoning of Maryvale Shopping Center from C-1 to R-60. Should retain existing zoning.	
Prosper Osei-Wusu	6/30/2008	18	RMD in Lincoln Park	Zoning Map. Owner of 219 Frederick Ave. Requests that property is rezoned from R-60 to RMD-10 (later revised to R-40) in order to build two semi-detached units on double lot.	Do not rezone
Joseph Lavorgna MCPS	6/30/2008	13	Zoning Map / MCPS Properties	Zoning Map. Carver Educational Center - 850 Hungerford Drive. The R-200 zone has been proposed to replace the Residential -Suburban Zone. Redevelopment options are limiting and inconsistent with densities in the adjacent neighborhood. Board requests that the portion of the property fronting on Hungerford Drive be reconsidered for rezoning from R-200 to a higher density such as MXCD. This zone would allow office and service retail along the property's MD 355 frontage.	Retain R-200 Zone with allowance to increase height up to 75 feet.
Isaiah Leggett Montgomery County	7/1/2008	32	Zoning Map MCPS property	Zoning Map. Objects to 580 N. Stonestreet having the designation of R-60 zoning	Retain R-60; Need to consult with MCPS about alternatives for their sites
Joseph Lavorgna MCPS	6/30/2008	13	Zoning Map / MCPS Properties	Zoning Map. Lincoln Center -- 580 N. Stonestreet Avenue The Board recommends that the property be rezoned from R-60 to the MXT zone. The MXT zone would be consistent with the East Rockville Plan. The Board believe that higher densities should be located adjacent to the rail right-of-way and lower densities where the property abuts existing single-family homes. Supports smart growth close to the Rockville METRO Station.	

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Kurt Meeske Combined Properties	6/30/2008	12	College Plaza	Zoning Map. Because of similarity to Congressional Plaza, College Plaza should be in the MXCD zone instead of the MXNC zone and take advantage of the option for additional height. Current zone is C-2.	Rezone to MXCD
Kurt Meeske Combined Properties	7/9/2008	38	College Plaza	Zoning Map. Owner of College Plaza. Requests that College Plaza be rezoned to MXCD (Mixed Use Corridor District) from C-2. The current designation of MXNC (Mixed Use Neighborhood Commercial) would not allow College Plaza to redevelop into a first class mixed use development.	Rezone to MXCD
Rec. & Park Advisory Board	7/24/08	69	Park Zone and public schools	Zoning Map. Rec. and Park Advisory Board recommends applying the Park Zone to all current and future school sites.	Do not apply Park Zone to school sites.
Joseph Lavorgna MCPS	6/30/2008	13	Park Zone / MCPS School Sites	Zoning Map. Limits the redevelopment value for alternative uses of any schools that might be declared surplus in the future. Placing an overlay zone on all MCPS school sites to preserve future recreational use raises concerns about a question of taking the value of County property without compensation.	
Isaiah Leggett Montgomery County	7/1/2008	32	Park Zone MCPS property	Zoning Map. Concerned that the new Park zone overlay on all city parks and public school sites reduces the flexibility and land value of Board of Education properties and would have an adverse effect on the County's interests.	
Bill Kominers, Holland & Knight	7/18/08	60	Mapping of Park Zone within PDs	Zoning Map. Do not map the Park Zone within the PD zones.	(Staff) Do not show Park zone on PD areas; All parks to be shown on City land use map
Jim Reschovsky Woodley Gardens Civic Association	6/30/2008	16	Zoning Map	Zoning Map. Woodley Gardens Shopping Center will be zoned from C-1 to MXNC (Mixed Use, Neighborhood Commercial). Requesting that it will be zoned MXC (Mixed Use Commercial)	Need to resolve zoning issue in context of the East Rockville commercial sites. MXC essentially equivalent to C-1
Drew Powell	8/4/08	86	Zoning Map	Zoning Map. Supports the MXC Zone for the Woodley Gardens Shopping Center	Need to resolve zoning issue in context of the East Rockville commercial sites. MXC essentially equivalent to C-1

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Scott Norwitz The Scott Group	6/30/2008	20	110 N. Washington Street	Zoning Map. Requests that the zoning category for 110 N. Washington Street be changed from MXNC (Mixed Use Neighborhood Commercial) to MXB (Mixed Use Business). Current zone is TC-1.	(Staff) Retain MXNC, but include grandfather language in the zone to allow 100% offices if in already in existence
Sally Stinner	6/30/08	Public Hearing	S. Washington Street Zoning	Zoning Map. Current plan for MXT on east side of S. Washington Street (City Hall site, currently zoned O-1 and R-90) treats City property different than properties on west side (retaining R-90). Don't rezone the City Hall property.	MXNC and MXT for City Hall property along MD. Ave. & Vinson. Retain R-90 on Bouic site.
Miller, Miller, & Canby representing Mr. Leo Rocca	6/27/2008	37	Rezoning of 1586-1610 Rockville Pike to MXTD instead of MXCD	Zoning Map. Support for the Planning Commissions recommendation in its May 21, 2008 Memorandum to the Mayor & Council) to rezone "the properties immediately north of Halpine Road....in the MXTD Zone instead of the MXCD Zone due to their proximity to the Twinbrook Metro Station." (Page 11). Current zone is RPC.	Agree
Pat Harris, Holland & Knight	7/18/08	59	1500 Rockville Pike	Zoning Map. Property should be MXTD; qualified support of rezoning on Pike until after Plan completed so long as sites remain viable in the interim. Current zone is RPC.	Rezone to MXTD
Kimberley Nordheimer Fordham Development Company	6/30/2008	21	Zoning Map	Zoning Map. Represents Wintergreen Plaza Shopping Center owners, Rockville Pike Joint Venture, L.P. Supports the proposed designation of MXCD zone for the shopping center. Current zone is RPC.	Retain MXCD
Jacquie Kubin	7/16/08	52	Industrial zoning	Zoning Map. Be careful about zoning away industrial land	(Staff) Master plan issue
Staff			Zoning Map	Zoning Map. Rezone properties along Taft Court east of Gude from the I-4 Zone to MXB instead of I-L to allow 100% office use.	Agree w/MXB

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
General Planning and Zoning Issue Testimony					
Stuart Barr Niemeyer-Trail, LLC Lerch, early, & Brewer, Chtd.	6/30/2008	14	Moratorium	Represents the owners of 702 Rockville Pike and wishes to redevelop. Opposes extension of development moratorium beyond September 30 until completion of Rockville Pike Plan because of time constraints and limiting of redevelopment of property.	(Staff) Moratorium is a policy issue
Thomas J. Doerr	6/30/2008	5	Bicycling	Specify an infrastructure that balances the needs of pedestrians, off-road cyclists, on-road cyclists and automobiles. Biking needs to be explicit in the new zoning language	Many of the recommendations regarding bicycles have been included. The Bike Master Plan provides guidance on location and design of bikeways in the city. These guidelines provide the direction needed during development plan review to insure inclusion of the plan recommendations at the time of development or redevelopment.
Thomas J. Doerr	6/30/2008	5	Bicycling	Only part of the language that Rockville Bike Advisory Committee recommended was included in the current version and that language has limited coverage.	
Thomas J. Doerr	6/30/2008	5	Bicycling	Requesting language that will cover all kinds of development in order to add to the zoning regulations what is already specified in the Bike Master Plan.	
Thomas J. Doerr	6/30/2008	5	Bicycling	Explicit language is needed for Rockville to guide developers in helping to resolve congestion and safety issues from car traffic by shifting toward multi-modal transportation in the future.	
Thomas J. Doerr	6/30/2008	5	Bicycling	Insure the inclusion of the bicycle as a means of transport by the creation of adequate and unique bicycle structures suitable for the use of people of all ages and abilities.	
Thomas J. Doerr	6/30/2008	5	Bicycling	A separate dedicated bike way lane on a roadway is preferred instead of shared use with cars.	
Jacque Kubin	6/30/2008	6	Environmental Guidelines	Include a strong emphasis on using green building practices such as alternative energy designs, green roofs, green walls, particularly in commercial buildings and parking structures	A number of environment-related items have been added to the proposed ordinance. Other items

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Jacquie Kubin	6/30/2008	6	Environmental Guidelines	Commercial builders should be given incentives to use renewable and/or recyclable materials. Building design standards must require a developer to incorporate energy efficient and environmental technology features in every building design; Commercial design standards should extend to environmental sustainability, possibly adopting LEED criteria. Provide a clear focus on development in a manner that minimizes impact. Include the preservation of existing trees, topography and green spaces. Use pervious materials to enhance stormwater management.	not directly related to zoning will be considered as part of the Sustainable Rockville initiative. Some other items may be incorporated into the Green Building program.
Jacquie Kubin	6/30/2008	6	Environmental Guidelines	Include a fee to commercial development to assist in further education of homeowners, and to help subsidize homeowners that wish to make green building decisions or adaptations to their present home, including solar power, water management and neighborhood composting stations.	
Christina Ginsberg	6/30/2008	26	Green Building Program	Submitted a copy of the Los Angeles Municipal Code Sections 16.10 and 16.11 establishing the Green Building Program	
Jacquie Kubin	7/16/08	52	Environmental framework	DZO must include an environmental structure for the future; support for green policies and requirements	
Stanley Klein	7/14/2008	47	Hybrid vehicles	Zoning ordinance should address the issue of providing infrastructure for pluggable hybrid electric vehicles (PHEVs). This would include climate-protected charging stations and charging facilities in all parking lots.	
Jacquie Kubin	7/16/08	53	Traffic/Large vehicle parking	Commercial vehicles should not be allowed to park in the Veirs Mill Road service drives. Contributes to overall traffic concerns in the neighborhood	Not a zoning issue
John Wooditch	7/14/2008	40	Large vehicle parking	Want regulations on the parking of large trucks and other vehicles in residential neighborhoods. Cites noise, loss of on-street parking, vibration.	Not a zoning issue

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Michael S. Callahan	6/30/2008	19	Churches	Request that the following be allowed by Special Exception: Churches, A "major" home based business enterprise, Private educational institutions, Child care for over 9 (in some cases) or 12 (in all cases) children, Adult day care, Charitable or Philanthropic institutions, and Private clubs (permitted on only the largest lots/lowest density zones).	In Single Dwelling Unit Residential zones: Places of worship to remain permitted; PEI's, Adult day care, Charitable or philanthropic institutions, Major home business are SE's; Child care centers for 9-12 children permitted in R-400 & R-200, SE's in other zones; over 12 children is SE in all zones.
Patricia Woodward West End Citizen's Association	6/30/2008	19	Churches	Board supports the request that the following be allowed by Special Exception: Churches, A "major" home based business enterprise, Private educational institutions, Child care for over 9 (in some cases) or 12 (in all cases) children, Adult day care, Charitable or Philanthropic institutions, and Private clubs (permitted on only the largest lots/lowest density zones).	
Drew Powell		27	Density	Recommends that the density that RORZOR proposes be reduced.	(Staff) Master plan issue
William Neil	7/15/2008	49, 51	Densities and mixed use policies	Development should not be planned based on assumptions of continuing future growth. Oil and gas price increases and possible overall change in markets, we should pause in making any new development decisions until we see how the future look.	(Staff) Master plan issue
Robert E. Reiver	7/7/2008	33	WINX property	Requested that the Mayor and Council discuss how the WINX Property should be developed. A final response has not been received from the city regarding the request for additional sewer and water service.	(Staff) Property must be annexed before any zoning issue is resolved

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Joseph Bradley	7/3/2008	35	Additional Hearings & Notification	Requested that the community provide input in the redevelopment of small shopping areas, that additional time be allotted for consideration of the Draft Zoning Ordinance. City staff should be getting the word out about how this ordinance will ultimately impact their neighborhoods and communities. Requested that additional public hearings be provided and advertised in the Gazette and Rockville Reports.	(Staff) Additional hearings not needed; Need to resolve the commercial site zoning issues for type of zone to be applied. Residential areas retain existing zoning.
Larry A. Gordon Shulman, Rogers, Gandal, Pordy, & Ecker, P.A		36	Motor Vehicle Sales	5. Pending Rockville Pike Sector Plan a) Interim and Future Zoning 1) <u>Recommendation</u> : Create a new Zone or an Overlay Zone to apply to this geographic area to implement the Sector Plan recommendations for existing motor vehicle sales uses, future freestanding dealerships, and dealerships incorporated into a mixed use development.	(Staff) Modifications to language regarding motor vehicle sales have been added to draft text – Sec. 25.13.03, footnote 2 & 25.13.06.b.3
Larry A. Gordon Shulman, Rogers, Gandal, Pordy, & Ecker, P.A		36	Motor Vehicle Sales	6. The Montgomery County Alternative a) Separate Development Standards for Motor Vehicle Sales Uses 1) <u>Recommendation</u> : Consider establishing a completely separate set of development standards for motor vehicle sales uses in the MXCD Zone.	
Marianne & Arthur Hamlin	6/27/2008	3	Rockville Pike Planning Process	The Rockville Dept. of Community Planning and Development Services group's efforts to provide intelligent development of the Rockville Pike area are to be applauded. The charettes were most helpful in explaining the process and goals. More than ever, with the high cost of vehicle fuel and overly congested roads, it is so important to make the best use of areas near public transportation hubs. Housing, office space, and access to goods and services need to be within easy reach of public transportation. Energy efficient bus routes and the Metro linking residential and commercial areas need to be available and encouraged. It is the "green way" to go!	(Staff) Master plan issue

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
M.A. Van Balgooy	6/22/2008	1	Attachment 1: Landscaping, Screening, and Lighting Manual	Support the landscaping requirements for parking lots at proposed 5 percent at a minimum, but consider 10 percent as adopted by Montgomery County (59-C-4.338)	Not incorporated
M.A. Van Balgooy	6/22/2008	1	Attachment 1: Landscaping, Screening, and Lighting Manual	In addition to showing trash cans for public use, require the landscape plan to show the location of all trash dumpsters in commercial zones	Trash screening required in Sec. 25.17.02.e.
M.A. Van Balgooy	6/22/2008	1	Attachment 1: Landscaping, Screening, and Lighting Manual	Require all commercial properties to enclose all trash dumpsters in an appropriate manner to shield their uns	

Revised October 6, 2008

Summary of Testimony Received August 4-September 29, 2008

Source	Date	Exhibit No.	Issue/Topic	Comment	Staff Response
Pat Harris; Holland & Knight	8/4/2008	87	Potential Annexation	Master Plan. Wants the Pike Shopping Center, currently outside the City but bordering on it, for the MXTD Zone if and when annexed.	Future zoning recommendations would be part of master plan recommendation.
Pat Harris; Holland & Knight	8/6/2008	88	Mixed Use Zone development standards	Art. 13. 1. Allow more flex for public use space by allowing courtyards to count. 2. Ground floor ceiling height of 15' is too rigid. Need some flex. 3. Front façade heights of 45 – 65 ft. are too restrictive and should be eliminated. 4. Design guidelines are too subjective and should be more flexible.	Public Use space is defined as being generally available to the public. M&C may wish to consider adding some flexibility to the ground floor ceiling height requirement. Flexibility has been added to the façade height requirements. Design guidelines have been given more flexibility.
JoAnne Riley Barron	8/24/2008	89	Woodley Gardens Shopping Center	Zoning. Opposes MXNC Zone on the center. Too much height; should not have residential. Retain C-1.	M&C to make final zoning determination on small shopping center.
Lilliam M. Butler	8/24/2008	89a	Woodley Gardens Shopping Center	Zoning. Opposes MXNC Zone on the center. Too much height; should not have residential. Retain C-1.	
Nancy Regelin; Shulman, Rogers, Gandal, Pordy & Ecker	8/25/2008	90	Burgundy Park Shopping Center	Zoning. Represents Tia Ochi, which holds a license for off-premises sale of beer & wine. Does not want to become non-conforming as a result of the rezoning.	

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Jim Reschovsky; Woodley Gardens Civic Assn.	8/27/2008	91	Woodley Gardens Shopping Center	Zoning. Association opposes application of the MXNC Zone; supports application of the MXC Zone or the C Zone if available.	
Ellen Wicker	9/2/2008	92	Woodley Gardens Shopping Center	Zoning. Opposes MXNC Zone on the center. Too much height; should not have residential. Retain C-1.	
Frank Connolly	9/8/2008	93	Woodley Gardens Shopping Center	Zoning. Opposes application of the MXNC Zone; supports application of the MXC Zone.	
Maritsa George	9/8/2008	94	Woodley Gardens Shopping Center	Zoning. Opposes MXNC Zone on the center. Too much height; should not have residential. Retain C-1.	
Christopher Hunton	9/8/2008	95	Woodley Gardens Shopping Center	Zoning. Opposes MXNC Zone on the center.	
Drew Powell	9/8/2008	96	Woodley Gardens Shopping Center	Zoning. Concerned about lack of notice to neighborhood on zoning changes. Leave the shopping center as it is.	
Lily Butler	9/10/2008	97	Woodley Gardens Shopping Center	Zoning. Reiterates opposition to rezoning of center.	M&C to make final zoning determination on small shopping center.
Larry Gordon; Shulman, Rogers, Gandal, Pordy & Ecker	9/10/2008	98	Nonconformities; provisions in Mixed Use Zones	Art. 8; Art. 13. With the changes in the final draft, the following should be subject to further public comment: Revisions to grandfather provisions for existing structures in Art. 8; revisions to vehicle sales provisions; allowance for additional building height in the MXCD Zone above 75'.	Revisions have been made to the nonconformities provisions. Will consider further changes to the vehicle sales provisions. M&C to determine if added height flexibility should be considered in the MXCD Zone.
Peter Mork	9/10/2008	99	Burgundy Park Shopping Center	Zoning. Rescind previous objection to mixed uses on this site.	
Gerald Murphy; WANADA	9/10/2008	100	Auto sales	Art. 8; Art. 13. With the changes in the final draft, the following should be subject to further public comment: Revisions to grandfather provisions for existing structures in Art. 8; revisions to vehicle sales provisions; allowance for additional building height in the MXCD Zone above 75'.	Revisions have been made to the nonconformities provisions. Will consider further changes to the vehicle sales provisions. M&C to determine if added height flexibility should be considered in the MXCD Zone.
Anne Marie Vassallo	9/10/2008	101	Review of Final Draft	General. Give the community the opportunity to review and comment on the latest draft.	Record has been reopened.

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Gerard Murphy	9/10/2008	102	Duplicate of Ex. 100		
William Kominers; Holland & Knight	9/10/2008	103	Suggested text revisions to Arts. 3, 8, 13 & 14.	Art. 3; Art. 8; Art. 13; Art. 14. Provides suggested edits to the text for definition of Initial Approving Documents; revisions to Art. 14 to clarify review and approval process for undeveloped portions of existing PD's; suggested edits for building locations; layback slope application, and parking standards; suggests changes in Art. 8 for reconstruction of existing structures.	Staff will consider the suggested changes. Some appear to be acceptable as clarifications. Others may need legal review.
Anne Madeo	9/11/2008	104	Stonestreet Convenience Store	Zoning. Opposes sale of alcohol. Rezone site residential as recommended by Planning Commission or MXC.	Existing sale of alcohol would become nonconforming, which means it can continue even if zoning is changed.
David Freishtat; Shulman, Rogers, Gandal, Pordy & Ecker	9/11/2008	105	Potomac Woods Shopping Center	Zoning. Requests consideration for MXCD Zone instead of MXNC Zone on shopping center. Would be consistent with the recommendation for the property to the north. Would be compatible with the Parc Potomac development adjoining on the south. Also would like consideration for additional height in the MXCD Zone.	MXNC is consistent with the character of the shopping center. Recommended by both RORZOR and PC.
Jim Reschovsky	9/15/2008	106	Woodley Gardens Shopping Center	Zoning. Notes that appearances regarding the zoning of the center were not organized by the Woodley Gardens Civic Association.	
Larry Gordon; Shulman, Rogers, Gandal, Pordy & Ecker	9/17/2008	107	Auto Sales; MXCD Zone; Grandfather provisions	Art. 13. Suggests additional language to allow parking adjacent to residential with 100% opaque buffer with Planning Commission waiver of 50' requirement. Allow up to 120' building height in MXCD Zone on case-by-case basis. Need to clarify the "5%" provision for expansion of existing nonconforming buildings.	Staff will re-examine the auto sales provisions and provide recommendations.
Jody Kline; Miller, Miller & Canby	8/15/2008	108	Office uses in MXNC Zone	Zoning. Concern that existing offices along south side of E. Jefferson Street will become nonconforming due to tenant floor area limit in recommended MXNC Zone. Consider application of MXB Zone, create a new moderate density mixed use office zone; or revise the provision for offices in the MXNC Zone.	Footnote 3 added to the development standards for mixed use zones to allow existing offices to remain as conforming uses.

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Gerald Murphy; WANADA	9/19/2008	109	Auto sales	Art. 8; Art. 13. Wants clarification of grandfather provision re: “5% rule”. Requests allowance for building heights up to 120’ in the MXCD Zone. Also wants ability to restrict public use space for auto sales facilities.	The “5% rule” only applies to those portions of a project that are nonconforming. Additions that conform to the new standards will be allowed.
Christina Ginsberg	9/23/2008	110	Development potential on existing sites; APFO	General. Requests design proposals under alternative zones for 6 different sites. Also questions whether the APFO is being applied properly.	
Drew Powell	8/4/2008	111	Woodley Gardens Shopping Center	Zoning. Requests consideration of MXC Zone instead of MXNC Zone for the shopping center.	M&C to make final zoning determination on small shopping center.
Sally Ann Stinner	8/4/2008	112	Transition Zoning on S. Washington Street	Zoning. Supports retention of existing zoning pattern on City Hall property. Concerned that the City is not required to be bound by zoning. Need to fast-track review of the West End Plan.	City has always been exempt from the zoning requirements. General City policy has been to conform to the extent possible.
Thomas Kornfield	9/25/2008	113	S. Stonestreet convenience store	Zoning. Opposes sale of alcohol. Rezone site residential as recommended by Planning Commission or MXC.	M&C to make final zoning determination on small shopping center.
Thomas Doerr	9/26/2008	114	Bicycles and the ordinance	General. Proposed ordinance should provide specific requirements for bike access. City needs to change priorities for bike access and routing.	Some language has been added. However, the overall transportation policy is a master plan issue.

Summary of Testimony Received September 29 – October 1, 2008

Gerald Murphy; WANADA	9/19/2008	115	Duplicate of Ex. 109		
Perry Berman	10/1/2008	116	Duplicate of Ex. 109		
Pat Harris; Holland & Knight	10/1/2008	117	MXE Zone Standards	Article 13. Wants to modify the setback requirements in the MXE Zone to allow more flexibility where buildings don't adjoin residential	M&C concurred with staff recommended modifications at the 10/2 worksession

Summary of Testimony Received October 6 – November 11, 2008

Source	Date	Exhibit No.	Issue/Topic	Comment	Staff Response
Shulman, Rogers Gandal Pordy & Ecker	10/9/08	120	Alcohol Sales	Wants to allow off-premise sales of alcohol in connection with a restaurant.	The existing uses that have alcohol sales licenses can continue as nonconforming uses.

Summary of Testimony Received June 16 – November 11 on Outstanding Issues and M&C Responses

Source	Date	Exhibit	Issue/Topic	Comment	Council Decision/Staff Response
Talisman Assoc.	10/10/08	121	Zoning of Twinbrook Shopping Center	Wants to retain allowable height of 75' as per existing C-2 Zone. MXNC would allow only 65' with master plan recommendation	Retain the current height limit as per the draft Twinbrook plan. Amend later if the adopted plan raises the height allowance.
Holland & Knight	10/13/08	122	Undergrounding of Utilities	Suggests retaining first portion of exemption language for power transmission lines.	Issue is covered in approval documents for the PD's.
Linda Ekizian	10/19/08	123	Home-Based Business	Allow use of detached (accessory) structures for HBBE's.	Revised draft allows use of accessory structures.
Carl Henn – Hungerford Civic Assn.	10/31/08	124	Self-storage facility	Supports proposal by Marlo to use portion of building for self-storage facility.	Staff does not support this use in the MXCD Zone.
Barbara Elesh	11/07/08	125	Woodley Gardens Shopping Center	OK for the shopping center to go to 3 floors; 4 floors would be too big for the surrounding residences.	Council has recommended MXC Zone, which limits height to 30 feet.
William Kominers	11/11/08	126	Tower Oaks PD Zone	Wants to add language to Sec. 25.14.27, PD-TO Zone, to allow for an accessory restaurant with exterior entrance in an office building without need for amending the Governing Documents.	Staff disagrees. Proposed change would sidestep normal review process through application for project plan approval.
Martin Hutt	11/06/08	127	Election Signs	Requests revision to election sign provisions (Sec. 25.18.15) to allow increased size of election signs for mounting on building face and free-standing.	Staff generally supports concept. Further comment to be provided at D&I session.